

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

**784522**

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Attorneys for Secured Creditor: DITECH FINANCIAL  
LLC, SERVICER FOR THE BANK OF NEW YORK  
MELLON FKA THE BANK OF NEW YORK AS  
TRUSTEE FOR THE BENEFIT OF CWMBS, INC.  
CHL MORTGAGE PASS-THROUGH TRUST 2007-  
10, MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2007-10

In Re:

DEBORAH J. KWAMIE

Case No.: 16-11765-MBK

Hearing Date:

Judge: MICHAEL B KAPLAN



Order Filed on January 12, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

### ORDER APPROVING LOAN MODIFICATION

The relief set forth on the following pages, numbered two (2) through two (2) is hereby **ORDERED**.

**DATED: January 12, 2017**

  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Upon consideration of Movant's Motion to Approve Loan Modification:

**ORDERED**, that the Movant's Motion to Approve Loan Modification is here by

**GRANTED**; and it is further

**ORDERED**, that approval and recording (if applicable) of the loan modification shall in no way constitute a violation of the automatic stay.

**ORDERED**, that if the pre-petition arrears are capitalized into the loan modification, secured creditor shall amend its Proof of Claim within thirty (30) days of the date of this Order. Upon receipt of an Amended Proof of Claim, the Trustee may disburse the funds being reserved pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.

**ORDERED**, that if post-petition arrears are capitalized into the loan modification, secured creditor shall file an amended post-petition order within thirty (30) days of the date of this Order. Upon receipt of an amended post-petition order, the Trustee may disburse the funds being reserved pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.

**ORDERED**, that the debtors shall file a Modified Plan and Amended Schedule J within 10 days of the entry of the within order.

**ORDERED**, that in the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, secured creditor shall file an amended proof of claim to reflect the arrears disbursed by the Chapter 13 Trustee prior to the loan modification effective date or zero pre-petition arrears.

**ORDERED**, that the Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of the loan modification and all money that would otherwise be paid to the secured creditor be held until the claim is amended or the Trustee is notified by the secured creditor that the modification was not consummated.

**ORDERED**, that in the event the modification is not consummated the secured creditor shall notify the Trustee and the Debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to the secured creditor.

**ORDERED**, that in the event the proof of claim is amended to reflect the arrears disbursed by the Chapter 13 Trustee prior to the loan modification effective date or zero pre-petition arrears, the Trustee may disburse funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Deborah J. Kwamie  
Debtor

Case No. 16-11765-MBK  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jan 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 14, 2017.

db +Deborah J. Kwamie, 30 Clive Hills Road, Edison, NJ 08820-3654

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 14, 2017

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 12, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA Et Al...

dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Michael P. Otto on behalf of Debtor Deborah J. Kwamie motto@ottolawoffice.com

Nicholas V. Rogers on behalf of Creditor DITECH FINANCIAL LLC, SERVICER FOR THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE et.al. nj.bkecf@fedphe.com

TOTAL: 5